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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,551	07/23/2003	Yasuhisa Katoh	240573US2	7483
22850	7590	10/14/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGO, HOANG X	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/624,551	Applicant(s) KATOH ET AL.	
	Examiner Hoang Ngo	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/23/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Takano et al.

Takano et al disclose an image forming apparatus comprising a fixing device 16 configured to fix a toner image T on a sheet P with heat at a nip between a fixing member 50 accommodating a heat source 52 and a pressing member 51 not accommodating a heat source (Fig. 4), consecutive sheets are driven out of said fixing device at a variable interval without a number of sheets to be output within a pre-selected period of time being varied (Col. 8, lines 44-53).

Takano et al further disclose the interval comprises a time interval between output of a preceding sheet and output of a following sheet (i.e. recording material distance, Fig. 9); the interval comprises a distance between a trailing edge of the preceding sheet and a leading edge of the following sheet (i.e. ℓ_2 , Fig. 9); to vary the interval, the interval between the trailing edge of the preceding sheet and the leading edge of the following sheet is varied without a conveying speed on a sheet path being varied (Fig. 9); the interval is selected to be an interval a shorter than a usual interval y for sheets conveyed to said fixing device just after a start of sheet feed, then selected to

Art Unit: 2852

be an interval B longer than said usual interval for a same number of sheets as conveyed just after the start of sheet feed, and then selected to be said usual interval y which is a mean value of the intervals; wherein assuming that the interval is not reduced, then a period of time just after the start of sheet feed comprises a time zone in which a fixing temperature drops below a lower limit after the start of sheet feed due to absorption of heat by said pressing member (Col. 8, lines 44-66); the number of sheets to be output within the pre-selected period of time comprises a number of sheets to be processed for image formation for a unit period of time, which is determined in accordance with a sheet size beforehand as a specification of an image forming apparatus used, and the usual interval comprises an interval to hold when image formation is executed with the number of sheets to be output within the pre-selected period of time without the interval between sheets being varied; wherein assuming that the interval is not reduced, then a period of time just after the start of sheet feed comprises a time zone in which a fixing temperature drops below a lower limit after the start of sheet feed due to absorption of heat by said pressing member (Col. 10, lines 32-55); said fixing member comprises a heat roller made up of an aluminum tube and a silicone rubber layer covering an outer periphery of said aluminum tube (Col. 3, lines 25-30), and said pressing member comprises a solid press roller formed of foam silicone rubber (Col. 3, lines 33-36); said heat source comprises an electric heater configured to selectively generate heat at a center portion or opposite end portions thereof in accordance with a size of the sheet (Col. 3, lines 42-60).

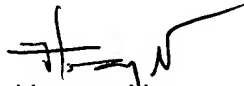
Art Unit: 2852

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Ngo whose telephone number is (571) 272-2138. The examiner can normally be reached on 6:00am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hoang Ngo
Primary Examiner
Art Unit 2852

Hxn